

1 KEKER & VAN NEST LLP
ROBERT A. VAN NEST - # 84065
2 rvannest@kvn.com
CHRISTA M. ANDERSON - # 184325
3 canderson@kvn.com
DANIEL PURCELL - # 191424
4 dpurcell@kvn.com
633 Battery Street
5 San Francisco, CA 94111-1809
Telephone: (415) 391-5400
6 Facsimile: (415) 397-7188

7 KING & SPALDING LLP
BRUCE W. BABER (pro hac vice)
8 bbaber@kslaw.com
1185 Avenue of the Americas
9 New York, NY 10036
Telephone: (212) 556-2100
10 Facsimile: (212) 556-2222

11 Attorneys for Defendant
GOOGLE INC.

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ORACLE AMERICA, INC.,
16 Plaintiffs,
17 v.
18 GOOGLE INC.,
19 Defendant.

Case No. 3:10-cv-03561 WHA

**DECLARATION OF MAYA KARWANDE
IN SUPPORT OF GOOGLE'S MOTION
TO STRIKE PORTIONS OF EXPERT
REPORT AND TESTIMONY OF DR.
JAMES R. KEARL**

Date: April 27, 2016
Time: 8:00 a.m.
Dept. Courtroom 8, 19th Fl.
Judge: Hon. William Alsup

1 I, MAYA KARWANDE, declare as follows:

2 1. I am an attorney licensed to practice law in the State of California and am an
3 associate at the law firm of Keker & Van Nest LLP, counsel to Google Inc. ("Google") in the
4 above-captioned action. I submit this declaration in support of Google's Motion to Strike
5 Portions of Expert Report and Testimony of Dr. James R. Kearl. I have knowledge of the facts
6 set forth herein, and if called upon as a witness, I could testify to them competently under oath.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of the Corrected Expert
8 Report of Professor James R. Kearl, dated March 21, 2016.

9 3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the
10 Opening Expert Report of Dr. Owen Astrachan on Technical Issues Relating to Fair Use, dated
11 January 8, 2016.

12 4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the
13 deposition of James Malackowski, taken March 17, 2016.

14 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the
15 Corrected Expert Report of James E. Malackowski, dated January 8, 2016.

16 6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the
17 deposition of James R. Kearl, taken March 23, 2016.

18 7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the
19 deposition of Adam B. Jaffe, taken March 10, 2016.

20 8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the
21 deposition of Chris Kemerer, taken March 3, 2016.

22 9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the
23 deposition of Gregory K. Leonard, taken March 11, 2016.

24 10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the
25 Corrected Expert Report of Dr. Gregory K. Leonard, dated March 10, 2016

26 11. Attached hereto as **Exhibit 10** is a true and correct copy of "Platform Choice By
27 Mobile Developers," by Timothy Bresnahan, Joe Orsini and Pai-Ling Yin, dated May 29, 2014.


28 12. Attached hereto as **Exhibit 11** is a true and correct copy of "Essays on the

1 Economics of the Smartphone and Application Industry” by Min Jung Kim, dated September
2 2013.

3 I declare under penalty of perjury under the laws of the State of California that the
4 foregoing is true and correct to the best of my knowledge.

5 Executed on this 30th day of March, 2016 at San Francisco, California

6
7
8 By:


Maya Karwande